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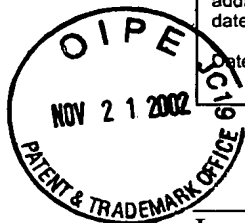
Dated: 11/21/02

Signature: *Beth J. Cobb*

(Beth J. Cobb)

Docket No.: HO-P01961US1

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11/26/02



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Dr. Sue J. Kenwright, et al.

Application No.: 09/863,049

Filed: May 22, 2001

Group Art Unit: 1632

Examiner: Wehbe, A.M.

For: DIAGNOSIS AND TREATMENT OF  
MEDICAL CONDITIONS ASSOCIATED  
WITH DEFECTIVE NFKAPPA B(NF-KB)  
ACTIVATION

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**RESPONSE TO RESTRICTION REQUIREMENT**  
**AND PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

The Examiner has set forth in the Office Action mailed September 24, 2002 (Paper No. 12) the following required restriction:

Group I, Claims 1-8 and 32-43, drawn to methods of detecting alterations in the nucleic acid sequence of SEQ ID NO:1;

Group II, Claims 9-13 and 44, drawn to methods of detecting alterations in the amino acid sequence of SEQ ID NO:2;

Group III, Claims 14-15, 18-19, 20, and 22-25, drawn to methods of treating disease using a nucleic acid;

Group IV, Claims 16-19, 21, 22-25, drawn to methods of treating disease using a protein;

Group V, Claims 26-29, drawn to methods of screening a test compound;

Group VI, Claims 30 and 45-48, drawn to nucleic acids and kits comprising one or two nucleic acids; and

Group VII, Claims 31 and 49, drawn to amino acid sequences.

In response to the outstanding restriction requirement, Applicants hereby provisionally elect without prejudice and without acquiescence Group I, claims 1-8 and 32-43 for continued examination. Regarding the election of polynucleotide sequences based on selection of this group, please see the preliminary amendment submitted herein.

**PRELIMINARY AMENDMENT**

Please cancel claims 9-31, 40-42, and 44-49 without prejudice and without acquiescence. Applicants reserve the right to pursue these claims in future prosecution.

Please add the following new claims. Support for the new claims is in the originally filed claims and throughout the specification, including on Page 1, lines 11-12 and Page 14, lines 6-9.

50. (New) A method to detect a NF- $\kappa$ B related medical condition in an organism comprising the steps of:

a<sup>1</sup>  
obtaining a sample from said organism; and  
analyzing said sample for an alteration in a NEMO nucleic acid, wherein said alteration results in inactivation of NF- $\kappa$ B.

51. (New) A method to detect Incontinentia pigmenti in an organism comprising the steps of:

obtaining a sample from said organism; and  
analyzing said sample for an alteration in a NEMO nucleic acid.

Although the Examiner had required election of a first and second polynucleotide sequence for Group I for prosecution on the merits, Applicants assert this is no longer relevant given the cancellation of claims 40 and 41. For the convenience of the Examiner, Applicants submit herewith a clean copy of all pending claims.

Applicants file herewith a Petition for Extension of Time of One Month and the requisite fee. If other fees are due, please charge our Deposit Account No. 06-2375, under Order No. HO-P01961US1 from which the undersigned is authorized to draw.

Dated:

11/21/02

Respectfully submitted,

By Melissa L. Sistrunk

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